

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 30, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 147

Introduced by Assembly Member Nation

January 21, 2003

An act to add Section 113985.5 to the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 147, as amended, Nation. Food products: alcohol notice.

The California Uniform Retail Food Facilities Law requires that any food facility that serves or sells directly over the counter an unlabeled or unpackaged food that is a confectionery that contains alcohol in excess of a required limit shall provide written notice to the consumer of that fact.

This bill would require any food facility, with a specified exception, that serves or sells over the counter an unlabeled or unpackaged food that is not a confectionary that contains alcohol in excess of a required limit to provide oral notice to the consumer of that fact.

This bill would require the office of the Legislative Analyst to report to the Legislature on or before January 1, 2005, regarding the implementation of the bill.

Because a violation of the California Uniform Retail Food Facilities Law is a misdemeanor, this bill, by redefining a crime, would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 113985.5 is added to the Health and
2 Safety Code, to read:

3 113985.5. (a) Any food facility that serves or sells over the
4 counter directly to the consumer an unlabeled or unpackaged food
5 that is not a confectionary that contains alcohol in excess of
6 one-half of 1 percent by weight shall provide oral notice to the
7 consumer of that fact.

8 (b) Subdivision (a) shall not apply to any food facility that is
9 licensed to serve alcoholic beverages pursuant to Division 9
10 (commencing with Section 23000) of the Business and
11 Professions Code.

12 SEC. 2. *The office of the Legislative Analyst shall report to the*
13 *Legislature on or before January 1, 2005, regarding the*
14 *implementation of Section 1 of this act.*

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

